

REMARKS

Claims 1-13, 16-21, 23-30, 32-33, and 35-39 are pending. Claims 1, 10, 17, 21, 27, 32, 33, 36, and 38 are in independent form.

In the action mailed June 18,, 2007, claims 1-4, 6-9, 21, 23-30, 32, 33, and 35-39 were allowed. Applicant acknowledges the recognition of allowable subject matter with appreciation.

Applicant thanks the Examiner for the courtesy of a telephone interview conducted with Applicant's representative on August 22, 2007, at which time the outstanding rejections to claims 10-20 under 35 U.S.C. § 112, second paragraph, were discussed.

In regard to claim 17, as discussed during the interview, the fragmentation of the recited data message can inherently occur without activity on behalf of the actor who performs claim 17. Those of ordinary skill understand this and the scope of claim 17 is readily discernable. Accordingly, claim 17 is not indefinite on this basis.

Moreover, claim 17 has been amended to recite that the data message is fragmented along the network path. Accordingly, an inherent fragmentation of the recited data message is made explicit in claim 17.

In regard to claim 10, although applicant disagrees with the basis of the rejection, to advance prosecution, claim 10 has been amended to recite that a maximum packet size of a network path is stored and reset. Further, the relationship between a data packet and fragments of a data packet has been clarified. Accordingly, Applicant respectfully requests that the rejection of claim 10 be withdrawn.

As for claim 13, claim 13 has been amended in light of the amendments to claim 10. In particular, claim 13 affirmatively recites sending the data packet from the sending point to the receiving point. Accordingly, it is believed that it is clear to those of ordinary skill how claim 13 further limits claim 10.

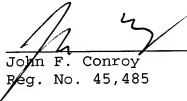
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to

concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fees are believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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